

## Message Text

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ORIGIN EB-08

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

UNCLAS STATE 184466

E.O. 11652: N/A

TAGS: ETRD, JA

SUBJECT: SECTION 337 INVESTIGATION OF CERTAIN NUMERICALLY  
CONTROLLED MACHINING CENTERS-VISIT OF USTIC OFFICIALS TO  
JAPAN

REF: TOKYO 11705

1. USITC ADVISES THAT LEVY AND MOSKOWITZ UNDERAND  
THEY CANNOT LEAVE FOR PAN UNTIL THEY RECEIVE VISAS.  
COMMISSION ASSUMES THAT THE ISSUANCE OF VISAS TO THE  
USITC OFFICIALS MEANS THAT GOJ PERMISSION HAS BEEN  
OBTAINED FOR THE PURPOSE OF THEIR VISIT TO JAPAN. IF  
ITS ASSUMPTION IS WRONG, PLEASE NOTIFY US IMMEDIATELY.

2. USITC ALSO ADVISES THAT YAMAZAKI LAWYERS HAVE MADE  
ARRANGEMENTS FOR LEVY AND MOSKOWITZ TO VIST YAMAZAKI  
FACILITIES IN JAPAN AND REQUESTED THEIR CLIENT TO NOTIFY  
GOJ OF THE JAPANESE FIRMS INTENTION TO COOPERATE FULLY  
IN USITC INVESTIGATION. IT IS NOW IN THE DISCOVERY

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STAGE. THE USITC LAWYERS AND LAWYERS FOR COMPLAINANT  
WILL BE TAKING DEPOSITIONS AND EXAMINING YAMAZAKI DOCUMENTS  
IN JAPAN.

3. THE USITC PUBLIC NOTICE OF THE INVESTIGATION, TEXT

OF WHICH FOLLOWS; DESCRIBES THE PURPOSE OF THE INVESTIGA-

TION (BEGIN TEXT):

NOTICE IS HEREBY GIVEN THAT A COMPLAINT WAS FILED WITH THE USITC ON APRIL 14, 1977, UNDER SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED (19 U.S.C. 1337) ON BEHALF OF THE BURGMASTER DIVISION, HOUDAILLE INDUSTRIES, INC. (HEREINAFTER "BURGMASTER" OR "COMPLAINANT") 13900 SOUTH BROADWAY, LOS ANGELES, CALIFORNIA 90061, ALLEGING THAT UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS EXIST IN THE IMPORTATION OF CERTAIN MACHINING

CENTERS WITH AUTOMATIC TOOL CHANGERS (HEREINAFTER "NUMERICALLY CONTROLLED MACHINING CENTERS") INTO THE UNITED STATES, OR IN THEIR SALE, BY REASON OF (1) THE ALLEGED COVEGE BY CLAIMS 1 AND 2 OF U.S. LETTERS PATENT 3,891,910 OF A TOOL OFFSET FEATURE IN THE NUMERICAL CONTROL UNIT FOR THE NUMERICALLY CONTROLLED MACHINING CENTERS,(2) THE ALLEGED UNFAIR USE OF KNOW-HOW AND TRADE SECRETS RELATING TO THE MACHINING CENTER UNIT OF SAID MACHINING CENTERS, AND (3) THE UNFAIR USE OF HOUDAILLE'S TRADEMARK "BURGMASTER" IN THE PROMOTION AND SALE OF THE NUMERICALLY CONTROLLED MACHININ; CENTERS. THE COMPLAINT FURTHER ALLEGES THAT THE EFFECT OR TENDENCY OF EACH OF THE UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS IS TO DESTROY OR SUBSTANTIALLY INJURE AN INDUSTRY, EFFI- CENTLY AND ECONOMICALLY OPERATED, IN THE UNITED STATES  
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COMPLAINANT REQUESTS THAT THE IMPORTS IN QUESTION BE BOTH TEMPORARILY AND PERMANENTLY EXCLUDED FROM ENTRY INTO THE UNITED STATES.

HAVING CONSIDERED THE COMPLAINT, USITC ON MAY 11, 1977, DETERMINED THAT THE COMPLAINT WAS PROPERLY FILED AND THEREFORE HAS, THAT SAME DAY, ORDERED--

(I) THAT, PURSANT TO SUBSECTION (B) OF SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED (19 U.S.C. 1337), AN INVESTIGATION BE INSTITUTED TO DERMINE, UNDER SUB- SECTION (C), WHETHER, ON THE BASIS OF THE ALLEGATIONS SET FORTH IN THE COMPLAINT AND THE EVIDENCE ADDUCED, THERE IS A VIOLATION OR REASON TO BELIEVE THERE IS A VIOLATION OF SUBSECTION (A) OF THIS SECTION IN THE IMPORTATION OF CERTAIN NUMERICALLY CONTROLLED MACHINING CENTERS, AND COMPONENTS THEREOF, INCLUDING BUT NOT LIMITED TO --  
(I) NUMERCIAL CONTROL UNITS FOR SUCH NUMERICALLY CONTROLL- ED MACHINING CENTERS, AND, (II) MACHINING CENTERS UNITS FOR SUCH NUMERICALLY CONTROLLED MACHINING CENTERS INTO THE UNITED STATES, OR IN THEIR SALE, BY REASON OF (A) A TOOL OFFSET FEATURE INCORPORATED IN THE NUMERCIAL

CONTROL UNITS ALLEGEDLY BEING COVERED BY CLAIM 1 OR 2  
OF U.S. PATENT 3,891,910, (B) THE ALLEGED UNFAIR USE  
OF KNOW-HOW AND TRADE SECRETS RELATING TO THE MACHINING  
CENTER UNITS, AND (C) THE ALLEGED DECEPTIVE PRACTICES  
USED IN THE PROMOTION AND SALE OF THE NUMERICALLY  
CONTROLLED MACHINING CENTER SUCH AS UNFAIR USE OF  
HOUDAILLE'S TRADEMARK "BURGMASTER," THE EFFECT OR  
TENDENCY OF WHICH IS TO DESTROY OR SUBSTANTIALLY  
INJURE AN INDUSTRY, EFFICIENTLY AND ECONOMICALLY OPERATED,  
IN THE UNITED STATES;

(2) THAT, FOR THE PURPOSE OF THE INVESTIGATION SO  
INSTITUTED THE FOLLOWING PERSONS, ALLEGED TO BE INVOLVED  
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IN THE UNAUTHORIZED IMPORTATION OF SUCH ARTICLES INTO  
THE UNITED STATES, OR IN THEIR SALE, ARE HEREBY NAMED AS  
RESPONDENTS UPON WHICH THE COMPLAINT AND THIS NOTICE  
ARE TO BE SERVED:

FOREIGN MANUFACTURER

YAMAZAKI MACHINERY WORKS, LTD.  
1 NORIFUNE, OGUCHI-CHO  
NIWA-GUN, AICHI-PREF., JAPAN

DOMESTIC IMPORTER

YAMAZAKI MACHINERY CORPORATION  
8025 PRODUCTION DRIVE  
FLORENCE, KENTUCKY 41042;

(3) THAT, FOR THE PURPOSE OF THE INVESTIGATION SO  
INSTITUTED, JUDGE MYRON R. RENICK, USITC, 701 E. STREET,  
NW., WASHINGTON, D.C. 20436, IS HEREBY APPOINTED AS  
PRESIDING OFFICER; AND

(4) THAT, FOR THE PURPOSE OF THE INVESTIGATION SO  
INSTITUTED, STEVEN D. MOSKOWITZ, USITC, 701 E STREET, NW.,  
WASHINGTON, D.C., 20436, IS HEREBY NAMED AS COMMISSION  
INVESTIGATIVE ATTORNEY.

RESPONSES MUST BE SUBMITTED TO THE PARTIES IN ACCORDANCE  
WITH SECTION 210.21 OF THE COMMISSION'S RULES OF  
PRACTICE AND PROCEDURE, AS AMENDED (41 F.R. 17710, APR.  
27, 1976). PURSUANT TO SECTIONS 201.16(D) AND 210.21(A)  
OF THE RULES, SUCH RESPONSES WILL BE CONSIDERED BY THE  
COMMISSION IF RECEIVED NOT LATER THAN 20 DAYS AFTER  
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THE DATE OF SERVICE OF THE COMPLAINT. EXTENSIONS OF TIME FOR SUBMITTING A RESPONSE WILL NOT BE GRANTED UNLESS GOOD AND SUFFICIENT CAUSE THEREFOR IS SHOWN.

FAILURE OF A RESPONDENT TO FILE A TIMELY RESPONSE TO EACH ALLEGATION IN THE COMPLAINT AND IN THIS NOTICE MAY BE DEEMED TO CONSTITUTE A WAIVER OF THE RIGHT TO APPEAR AND CONTEST THE ALLEGATIONS OF THE COMPLAINT AND OF THIS NOTICE, AND WILL AUTHORIZE THE PRESIDING OFFICER AND THE COMMISSION, WITHOUT FURTHER NOTICE TO THE RESPONDENT, TO FIND THE FACTS TO BE AS ALLEGED IN THE COMPLAINT AND THIS NOTICE AND TO ENTER BOTH A RE-COMMENDED DETERMINATION AND A FINAL DETERMINATION, RESPECTIVELY, CONTAINING SUCH FINDINGS.

THE COMPLAINT, WITH THE EXCEPTION OF CONFIDENTIAL INFORMATION REFERRED TO THEREIN, IS AVAILABLE FOR INSPECTION BY INTERESTED PERSONS AT THE OFFICE OF THE

SECRETARY, USITC, WASHINGTON, D.C., AND IN THE NEW YORK CITY OFFICE OF THE COMMISSION, 6 WORLD TRADE CENTER.  
(END TEXT).

CHRISTOPHER

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## Message Attributes

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